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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2013-137**

12 **MARY J. HOWINGTON AKA MARY**
13 **JOANNE HOWINGTON**
1050 N. Perris Blvd.
14 **Perris, CA 92571**

A C C U S A T I O N

15 **Registered Nurse License No. 503832**

16 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about September 16, 1994, the Board of Registered Nursing issued Registered
25 Nurse License Number 503832 to Mary J. Howington aka Mary Joanne Howington
26 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
27 the charges brought herein and will expire on June 30, 2014, unless renewed.
28

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY AND REGULATORY PROVISIONS

7. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct...

8. Title 16, California Code of Regulations, section 1444 states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

1 **COST RECOVERY**

2 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **STATEMENT OF FACTS**

7 10. In 2011, Respondent was employed as a registered nurse in the position of Case
8 Management Coordinator for the Case Management Department at Riverside Community
9 Hospital in Riverside, California. On or about August 31, 2011, Respondent was conducting
10 rounds and decided that a patient required a catheter and nephrology consult. She then wrote an
11 order to "Place foley catheter, Nephrology consult Dr. re: increasing BUN/Creat, decreasing urine
12 output" and represented on the form that she had received authorization from Dr. H.R. at 9:20
13 a.m. on August 31, 2011 for such orders. However, Dr. H.R. did not authorize those orders nor
14 did she speak with Respondent that morning regarding any such telephone orders. Respondent
15 was suspended for five work days without pay for such actions because she violated the hospital's
16 policies and Code of Conduct and the California Nurse Practice Act.

17 **CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct-Falsify Doctor's Orders)**

19 11. Respondent is subject to disciplinary action under Code section 2761(a), on the
20 grounds of unprofessional conduct, within the meaning of title 16, California Code of Regulations
21 section 1444(c), in that on or about August 31, 2011, while on duty as a Case Management
22 Coordinator at Riverside Community Hospital, located in Riverside, California, Respondent
23 falsified medical records by writing doctor's orders for a catheter and nephrology consult
24 authorized by Dr. H.R., when Dr. H.R. did not authorize these orders.

25 **PRAYER**

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board of Registered Nursing issue a decision:
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1 1. Revoking or suspending Registered Nurse License Number 503832, issued to Mary J.
2 Howington aka Mary Joanne Howington;

3 2. Ordering Mary J. Howington aka Mary Joanne Howington to pay the Board of
4 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
5 pursuant to Business and Professions Code section 125.3;

6 3. Taking such other and further action as deemed necessary and proper.
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9
10 DATED:

August 23, 2012

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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